

DOE Public Hearings on YM Site Suitability Recommendation

Amargosa Valley - Nevada - October 10, 2001

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Comments by Andrew Remus, Project Coordinator

Inyo County Yucca Mtn Nuclear Waste Repository Assessment Office

On behalf of the Inyo County, California Board of Supervisors

I am Andrew Remus, staff to the Inyo County County Board of Supervisors. I am delivering this statement on behalf of the Board of Supervisors, consistent with the County's written comments on the Preliminary Site Suitability Evaluation and site recommendation process adopted September 18, 2001 which have already been submitted to the U.S. Department of Energy.

The release of the Preliminary Site Suitability Evaluation, a document which makes conclusory statements regarding the Yucca Mountain site's suitability for development of a deep geologic repository, is premature in light of the fact that the U.S. Department of Energy has yet to complete NEPA proceedings on the Yucca Mountain proposal. Until a Final Environmental Impact Statement has been completed for use by the Department, DOE has no legitimate basis for making a preliminary suitability determination for the site.

Release of the PSSE is also premature given the fact that key scientific studies regarding waste package corrosion processes are still underway, and the region's saturated zone, unsaturated zone and alluvial geology is only generally understood. Our review of the Science & Engineering Report, the Draft EIS, the Supplemental EIS and discussions taking place among DOE, the Nuclear Waste Technical Review Board and the Nuclear Regulatory Commission indicate the persistence of high levels of uncertainty in the behavior of virtually all geologic, hydrologic and proposed engineered systems associated with the proposed repository.

Sufficient information is not before DOE at this time to warrant even the most preliminary conclusions regarding the site's ability to function as intended by the Nuclear Waste Policy Act or meet EPA release standards for the 10,000-year licensing period. A scientifically sound determination of site suitability cannot be made at this juncture, nor anytime in the near future.

DOE's attempts to evaluate site suitability are based on *proposed* site suitability guidelines, not the site evaluation guidelines currently in place and legally in effect. It seems obvious to most observers that site suitability explorations must revolve around those officially adopted, legally binding guidelines already in place, not the proposed, hypothetical, hopeful and legally meaningless guidelines which have served as a framework for the Preliminary Site Suitability Evaluation.

The current set of scheduled Site Recommendation Consideration Hearings are premature, inadequate and a clear violation of the letter and intent of the Nuclear Waste Policy Act. They are premature for the same reason that the Site Suitability Evaluation is premature. DOE's attempt to hold "Field Hearings" in Inyo County falls woefully short of meeting the needs and expectations of Inyo County as stated clearly in the Board of Supervisor's letter to DOE Secretary Abraham dated September 4, 2001. In that letter we requested a full public hearing on Site Suitability, attended by Secretary Abraham, at Furnace Creek in Death Valley National Park, the area potentially most negatively impacted from the operation of a repository at Yucca Mountain. Our request gained immediate and unambiguous support in the form of a joint letter from Congressman Jerry Lewis and Senator Dianne Feinstein to Secretary Abraham. Instead of granting our request, the Department has seen fit to ignore it and stage, with minimal notice and lead time, "field hearings" which have none of the scope, scale or exposure warranted of a hearing on a project the magnitude of the proposed repository.

Inyo County's is unique in its status as the ultimate destination for those radionuclides that will, under all repository design variants under consideration by DOE, escape from the repository block and travel via groundwater into the Southern Amargosa Valley and Death Valley National Park. Inyo and San Bernardino Counties contain major sections of the aquifers through which radionuclides are predicted to travel, as well as the Amargosa River system that may serve to transport these same materials via surface water.

We would like to point out that Section 114 (a)(1) of the Nuclear Waste Policy Act, as amended, specifies that:

"The Secretary shall hold public hearings in the vicinity of the Yucca Mountain site, for the purposes of informing the residents of the area of such consideration (*i.e. consideration of site suitability*) and receiving their comments regarding the possible recommendation of such site."

Inyo County, whose border lies just 17 miles from the Yucca Mountain site, certainly qualifies as being in the vicinity of the site. There is no doubt that the Nuclear Waste Policy Act obligates DOE to provide real hearings in Inyo County. Further, Section 114 points to a hearing process that is limited to receiving comments from residents of "the area" and their elected representatives. Testimony at these hearings should be limited to parties within, or representative of, the "vicinity" of the site *i.e.* from Inyo, San Bernardino, Nye and Clark Counties. DOE failed to seriously attempt or achieve compliance with NWPA Section 114(a)(1) at the September 5, 2001 public hearing in Las Vegas, Nevada, and would be well advised to comply fully with this requirement with respect to California and Inyo County.

The Preliminary Site Suitability Evaluation claims that the site appears to be capable of meeting EPA radiation protection standards. This gives us no comfort whatsoever. The EPA's radiation protection standards allow for the destruction of those aquifers that provide sustenance for humans and Federally-protected natural habitat in both

the Amargosa Valley and Death Valley National Park. These standards are entirely unacceptable to Inyo County. No proposal or design that allows the release of radioactive materials from the repository should be recommended to the President. DOE should concede that the hydrogeologic prerequisites necessary to isolate nuclear waste from the human environment **are not** present at the Yucca Mountain site and seek further direction from Congress regarding the issue of long-term handling of spent fuel and high-level nuclear waste.

The scientific information necessary to make a conclusion on site suitability does not exist, and will not, even with an aggressive and well-funded research and testing program, be available for years. We would like to suggest an alternative approach.

In May, 2001, DOE released the documents "*Nuclear Waste Fund Fee Adequacy Report*" and "*Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program*". These documents reveal that the total expected cost of the Yucca Mountain Project is projected to be 56 billion dollars, of which about 7 billion dollars have been spent to date. A general estimate of the cost to store spent nuclear fuel in NRC-certified aboveground dry casks, with a useful life of 50-100 years each, is reported in the *Total System Lifecycle Cost Report* as \$100,000 per metric ton, or about 7 billion dollars to encase the entire 70,000 metric tons of spent fuel anticipated to be emplaced in Yucca Mountain.

If we assume, for the sake of argument, that the entire process of manufacturing and transporting dry casks, retrofitting nuclear generator, DOE and DOD sites to meet NRC on-site storage license requirements, and development and implementation of monitoring and security measures for all sites totals out at \$15 billion dollars, we can see a clear, relatively inexpensive and expedient path to meet the Nation's long-term storage needs without building a centralized repository, without incurring the health, accident and terrorism risks associated with a 24-year spent fuel transportation campaign, and without extracting an entire 56 billion dollars from nuclear power consumers. In addition, the spent fuel would remain packaged in accessible, readily monitored, repaired and replaced containers for future reprocessing, transmutation, or burial as necessary to our future needs and priorities. This is the reasonable approach, readily implemented, safe, and politically much more feasible. We urge Secretary Abraham to recognize Yucca Mountain as the dead-end effort that it is, and proactively seek Congressional consideration of reasonable alternatives - alternatives that will save our society billions of dollars, will save the Federal Government decades worth of litigation, and it will spare California and Nevada centuries of threat to our water and our citizens.